

December 20, 2006

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
John P. Gober  
Lawrence Korzeniewski  
Michael Myszka  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
Daniel Amatura  
Mark A. Montour  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Engineering Consultant: Robert Harris, Wm. Schutt & Associates

Deputy Town Attorney: John M. Dudziak

Highway Superintendent: Richard L. Reese, Jr.

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 20, 2006. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa  
Planning Board Chairman

SJK:mn  
Encl.

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the twentieth day of December 2006, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
John Gober, Member  
Lawrence Korzeniewski, Member  
Michael Myszka, Member  
Steven Socha, Member  
Melvin Szymanski, Member

EXCUSED: None

ABSENT: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Leonard Campisano, Building & Zoning Inspector  
Robert Harris, Engineering Consultant - Wm. Schutt & Associates  
John Dudziak, Deputy Town Attorney  
Mary Nowak, Recording Secretary

Meeting called to order by Chair Keysa at 7:30 PM.

**PLEDGE OF ALLEGIANCE**

Motion was made by Melvin Szymanski to approve the minutes from the December 6, 2006 Planning Board Meeting. Motion was seconded by Lawrence Korzeniewski and unanimously carried.

**COMMUNICATIONS -**



## **ACTION ITEMS -**

PRELIMINARY PLAT PLAN REVIEW -WAINWRIGHT COURT SUBDIVISION, 13 SINGLE-FAMILY HOMES. SOUTH OF WEHRLE DRIVE. PROJECT NO. 6009. CONTACT PERSON: KENNETH ZOLLITSCH, GREENMAN-PEDERSEN, INC.

This project was tabled at the December 6, 2006 Planning Board meeting with conditions.

Kenneth Zollitsch, Greenman-Pedersen, Inc. presented to the Planning Board the preliminary plat plan for the 13 single-family home subdivision on the 5-plus- acre parcel on the north side of Wainwright Court behind the Regal Cinemas. The plan shows the existing road extended and ending in a cul-de-sac. The plan also shows two dry ponds at the north end of the development. Mr. Zollitsch explained that these dry ponds will be for stormwater storage that will eventually drain into the large existing pond behind Regal Cinemas.

Drainage - Mr. Zollitsch stated that although he does not have a copy of the agreement between the owner of this parcel and the owner of Regal Cinemas regarding use of the large pond for discharge of water from this parcel, he has been in touch with a local contact for the owner of Regal Cinemas and has sent a copy of the plans showing the drainage and is waiting for a response. The Planning Board requested a copy of the letter from the owners of Regal Cinemas.

Wetlands - Mr. Zollitsch told the Planning Board that as of today, the approval of the wetlands delineation for this parcel has not been received, but is expected from the Army Corp of Engineers. Chair Keysa stated that approval of the wetlands delineation from the Army Corp of Engineers will be a necessary.

Waterline - At the November 15, 2006 Planning Board meeting, Mr. Zollitsch had stated that a waterline easement to North Maple Drive will not be necessary for water pressure, since the improvements to Transit Road will increase the existing water pressure. Erie County Water Authority has since indicated that without a dedicated public road, they will not accept a waterline connected to North Maple Dr. A 25-foot easement to North Maple Drive will be provided for future use and is to be shown on the map cover. A new plan showing the 25-ft. easement will be given to Town Engineer Robert Harris by the end of the week. The Planning Board stated that they would like judicious removal of broken trees and debris from the right-of-way to Maple Drive, leaving the undamaged trees in place.

Dry ponds - Mr. Zollitsch told the Planning Board that the two dry ponds shown on the plan would be privately owned but maintained by the Town. Councilmember Donna Stempniak was concerned that ownership of the dry ponds by the homeowners can result in problems in the future. Chair Keysa stated that if the dry basins are to be privately owned, language will need to be proposed by the developer and reviewed by the Town Attorney's office regarding the dry ponds and the Town's rights and obligations. Lot line markers will need to be placed at sidelines to locate Town easements. Restrictive covenants should be shown on the map cover and approved by the Town Attorney.

Electric Lines - Currently the electric lines run across this parcel. Mr. Zollitsch told the Planning Board that he is still waiting for the cost from NYSEG for underground utilities. He said that if the cost is too high, the current utility poles will need to be moved. Chair Keysa told Mr. Zollitsch that he should check the 1973 NYS regulations issued by the Secretary of State regarding utilities in new subdivisions. The Town prefers that the utilities be underground.

Large poplar trees along lot #6 are to be removed as requested by Town Highway Superintendent Richard Reese.

## DETERMINATION

At the request of the applicant, this project is tabled to a future Planning Board meeting. Applicant will resolve the following issues: 1.) Applicant to provide Planning Board with a copy of the agreement between the owner of this parcel and the owner of Regal Cinemas regarding use of the large pond for discharge of water from this parcel. 2.) Applicant to provide Planning Board with Army Corp of Engineer's acceptance of wetlands delineation. 3.) Waterline - 25' right-of-way from cul-de-sac to North Maple Dr. to be shown on map cover. 4.) Language to be developed and approved by the Town Attorney's office regarding the two dry ponds and the Town's rights and obligations. 5.) Electric lines to be underground. 6.) Large poplar trees near lot #6 to be removed. 7.) Judicious removal of branches and broken trees on right-of-way to N. Maple Dr.; leave undamaged trees in place. 8.) New drawings to be reviewed by Town Engineer Robert Harris. 9.) Lot line markers to be placed at sidelines to locate Town easements. 10.) Restrictive covenants to be shown on map cover and approved by Town Attorney. Motion to table was made by Michael Myszka, seconded by Rebecca Anderson and unanimously carried.

**SITE PLAN REVIEW - WEHRLE CORPORATE CENTER, SOUTH SIDE OF WEHRLE DRIVE, WEST OF HARRIS HILL ROAD. CONSTRUCTION OF FOUR SINGLE-STORY OFFICE BUILDINGS TOTALING 42,833 GSF. PROJECT NO. 2733. CONTACT PERSON: CHRISTOPHER WOOD.**

This project was tabled at the December 6, 2006 Planning Board meeting with conditions.

Steven Carmina of Carmina and Wood presented to the Planning Board the site plan for the proposed construction of four single-story office buildings on the south side of Wehrle Drive, west of Harris Hill Road. This project will be directly east of the Harris Hill Nursing Facility. Mr. Carmina told the Planning Board that the buildings will be for office/medical use, and that there are several tenants currently interested. The plan shows the primary building will be 18,800 sq.ft. and the three other buildings will be 7,200 to 9,600 sq.ft. The buildings will be brick and stucco with natural-finished metal roofing. The three smaller buildings will be stepped to allow for the slope of the parcel. The plan also shows retaining walls allowing for grade changes.

Driveway connectivity - Since this project is adjacent to the Harris Hill Nursing Facility, the Planning Board has suggested connectivity between the two parking lots and that it be shown on the site plan. Mr. Carmina said that gated access could be provided for emergency use, since open connectivity might become a liability issue. Chair Keysa stated that inter-connectivity between these two projects is important. After a brief discussion the Planning Board stated that they would like to see connectivity between the two parking lots and that it be shown on the site plan.

Drainage - At the December 6, 2006 Planning Board meeting, the Planning Board asked that the drainage plan for this project be re-submitted in accordance with a letter from Town Engineer Robert Harris. Mr. Carmina re-submitted the drainage plan for this project to Mr. Harris at this evening's meeting. Mr. Harris will need to review the drainage plan.

Landscaping - Minor landscaping changes are to be made as per General Crew Chief Terrence McCracken.

Water pressure - Review of water pressure will be necessary. Additional water pressure requiring a booster pump may be necessary to meet NYS Health Dept. standards.

Dumpsters - Enclosed dumpsters are to be placed as shown on plan.

Hand railings - Decorative hand railings are to be placed on the retaining wall. Railings will match the building

Currently there is a brick house located at 2739 Wehrle Drive that was built in the late 19<sup>th</sup> century that will be demolished to make room for this project. Chair Keysa asked that documentation (floorplan) and photos of the interior and exterior of this house be done prior to its demolition and placed with the Lancaster Town Clerk's Office for reference. Mr. Carmina stated that the requested information will be provided to the Town Clerk's office.

## DETERMINATION

Based on the information provided to the Planning Board, Steven Socha made a motion to recommend approval of the site plan to the Town Board with the following conditions: 1.) Plan to show driveway connection with Harris Hill Nursing Facility to the west. 2.) Minor landscaping changes to be made as per Crew Chief Terrence McCracken. 3.) Approved drainage plan by Town Engineer Robert Harris. 4.) Review of water pressure to meet standards with availability at street. 5.) Enclosed dumpsters to be placed as shown on plan. 6.) Hand railings to be placed on retaining wall. (Decorative to match building.) Motion seconded by John Gober and unanimously carried.

**SITE PLAN REVIEW - ALBERTI LANDSCAPING, INC. CONSTRUCTION OF A 10,200 SQ. FT. WAREHOUSE. BUILDING NO. 5, 491 ERIE STREET/SOUTH SIDE OF ERIE STREET, EAST OF CEMETERY ROAD. PROJECT NO. 0103. CONTACT PERSON: MARK ALBERTI, ALBERTI LANDSCAPING, INC. ALBERTI WILL SUBMIT GRADING PLAN AT MEETING.**

Chair Keysa recused himself as Chair for this project since he has represented the applicants in legal matters. Vice-Chair Rebecca Anderson acted as Chair for this project.

Susan King, King Consulting Engineers, presented to the Planning Board the site plan for the proposed construction of a 10,200 sq. ft. warehouse building at 491 Erie Street. This will be building #5 on this site. The plan shows an L-shaped building with overhead doors and a loading dock. The proposed building will be the same type of building as the existing buildings on this site. This space will be used by a current tenant who needs additional space. Ms. King told the Planning Board that there will be no water service to this building. The proposed building will have wall pack lighting, same as the other buildings. The plan also shows additional parking. The driveway to this building will be paved.

Drainage - The plan shows a drainage pond at the front of the site. Town Engineer Robert Harris stated that he has no issues with the drainage plan as shown.

Landscaping - Ms. King told the Planning Board that the comments from Gen. Crew Chief Terrence McCracken have been addressed and the additional plantings are noted on the site plan.

## DETERMINATION

Based on the information provided to the Planning Board, Melvin Szymanski made a motion to recommend approval of the site plan to the Town Board. Motion seconded by Michael Myszka and unanimously carried.

## OTHER MATTERS

Mr. William Tuyn requested an opportunity to speak to the Planning Board regarding Project No. 6009, Wainwright Court subdivision which was presented earlier at this meeting and tabled to a future date. Mr. Tuyn arrived after the presentation of the project. He requested clarification of the conditions placed on this project. He stated that each of the conditions would be addressed and that responses from the owners of Regal Cinemas and the Army Corp of Engineers are expected in the near future. He requested that the Planning Board reconsider approving this project with the conditions listed at this meeting, and that all the conditions will be addressed with the Town Board. Chair Keysa stated that one of the functions of the Planning Board is to clear up as many of the issues as possible regarding any proposed project before it goes before the Town Board. Chair Keysa asked the Planning Board members if they had changed their minds regarding the approval of this project.

The Planning Board unanimously agreed that due to the number of conditions listed, they had not changed their minds and that this project should be tabled to a future date when the conditions listed have been addressed.

At 8:30 PM John Gober made a motion to adjourn the meeting. Motion seconded by Rebecca Anderson and unanimously carried.